

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 19-1096 MRW	Date	February 16, 2022
Title	Zagruzny v. Mercedes-Benz USA		

Present:	Hon. Michael R. Wilner, U.S. Magistrate Judge
Veronica Piper	n/a
Deputy Clerk	Court Reporter / Recorder
Attorneys for Plaintiff:	Attorneys for Defendant:
n/a	n/a

Proceedings: ORDER TO SHOW CAUSE RE: SANCTIONS

1. Before the filing of a non-discovery-related motion in most civil cases, Local Rule of Court 7-3 requires the parties to “discuss thoroughly, preferably in person, the substance of the contemplated motion and any potential resolution.”

2. Local Rule 83-7 states that a “violation of or failure to conform to any of these Local Rules” – including the obligation to participate in a pre-motion conference of counsel under L.R. 7-3 – “may subject the offending party or counsel” to monetary sanctions, imposition of costs and attorneys’ fees to the opposition, or other sanctions that the Court finds “appropriate under the circumstances.”

3. Plaintiff’s lawyer filed a fee motion in this action that indicated that he “attempted to confer with counsel [] by sending a[] demand on January 7, 2022, but Plaintiff did not hear back.” (Docket # 73 at 2.) In our hearing today, defense counsel acknowledged receiving that request. And, despite the defense’s obvious disagreement with Plaintiff’s fee request, Mr. Aliviado didn’t offer a reason why the parties failed to comply with their Rule 7-3 obligation.

4. I’d like to give him or his colleagues another shot at that. Defendant is ordered to show cause why monetary sanctions or costs should not be assessed under L.R. 7-3 and 83-7. The defense will respond to this OSC by sworn affidavit (NTE five pages) no later than March 1. After that, the Court will set the matter for hearing or take other action.